

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. GMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\\$)	250.00
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Complete if Known

Application Number	09/728,207
Filing Date	December 1, 2000
First Named Inventor	NAGAI et al.
Examiner Name	CHEN, Stacy
Art Unit	1648
Attorney Docket No.	SPO-012C

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-2101 Deposit Account Name: SMITH PATENT CONSULTING

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) Indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee (\$)
- 20 or HP =	x	=			50	25
HP = highest number of total claims paid for, if greater than 20.					200	100

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

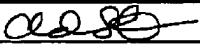
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Extension of Time (Code 1251); Terminal Disclaimer (Code 1814)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 41,569	Telephone 703-549-7691
Name (Print/Type)	CHALIN A. SMITH		Date 12/29/04

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Dec 29 04 05:40P

Chalin A. Smith, Esq.

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DEC 29 2004

MAIL STOP AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Y. Nagai et al.

Title: Recombinant Sendai Virus

Appl. No.: 09/728,207

Filing Date: December 1, 2000

Examiner: S. CHEN

Art Unit: 1648

Atty Docket No: SPO-012C

MAIL STOP AF

Honorable Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Please find the following correspondence items submitted by facsimile to the United States Patent and Trademark Office at fax number 703-872-9306 on December 29, 2004 for filing:

1. Certificate of Facsimile Transmission;
2. Petition for One Month Extension of Time;
3. Request for Reconsideration Under Rule 1.116;
4. Terminal Disclaimer for USPN 6,828,138; and
5. Fee Transmittal;

Respectfully submitted,

Date: 12/29/04

By: Chalin A. Smith

Name: Chalin A. Smith
Title: Attorney for Applicant
Registration No. 41,569

Dec 29 04 05:40p

Chalin A. Smith, Esq.

(703) 549-7692

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DEC 29 2004

MAIL STOP AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Y. Nagai et al.
Title: Recombinant Sendai Virus
Appl. No.: 09/728,207
Filing Date: December 1, 2000
Examiner: S. CHEN
Art Unit: 1648
Atty Docket No: SPO-012C

MAIL STOP AF
Honorable Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.116

Dear Sir:

In response to the Final Office Action dated August 5, 2004 and the Advisory Action dated December 16, 2004 concerning the above-referenced patent application, please enter the following remarks: